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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of John P. Tarlano

Examiner: Thomas R. Artman

Serial No. 10/608,105

Group Art Unit:2882

Filed: June 30, 2003

For: Method For Inactivating Cancer Cells In A Human Body And Apparatus

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RESPONSE TO OFFICE ACTION MAILED FEBRUARY 24, 2005

Honorable Commissioner Of Patents

P.O. Box 1450

Alexandria Virginia 22313-1450

Sir:

A terminal disclaimer is attached. It is submitted that the attached terminal disclaimer is in compliance with 37 CFR 321(c). A patent on the present patent application will be ineffective on a date of expiration of a patent issued on patent application having serial no. 10/445,614 and filed May 27, 2003

I, John P. Tarlano, own related patent application having serial number 10/445, 614 and filed May 27, 2003.

It is submitted that the present patent application is in condition for allowance.

Early allowance of the present patent application is respectfully requested.

03/02/2005 MBYENE1 00000158 10608105

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John P. Tarlano 2/27/2005
John P. Tarlano
Applicant
(703) 451-2864

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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

In re Application of: John P. TarlanoApplication No.: 10/608,105Filed: June 30, 2003For: Method For Inactivating Cancer Cells In A Human Body And Apparatus

The owner, John P. Tarlano, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/445,614, filed on May 27, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record. Reg. No. _____

I, John P. Tarlano, own 100 percent interest in patent application 10/445,614. I am the applicant in application 10/445,614 filed May 27, 2003.

Signature

Date

John P. TarlanoApplicant owner

Typed or printed name

(703) 451-2864

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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